

AT A WORK SESSION OF THE CULPEPER COUNTY BOARD OF SUPERVISORS
HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY,
MARCH 2, 2004

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Member Absent:

William C. Chase, Jr.

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates called the meeting to order at 2:13 p.m. and welcomed those in attendance. He announced that the meeting was a work session for the Board, no public comments would be taken from the audience, and only County staff would be addressing the Board.

RE: CLEVINGER'S VILLAGE WORK SESSION

Frank Bossio, County Administrator, explained that the purpose of the work session was to obtain additional information from staff on the Clevinger's Village project, which had been pending for approximately 18 months. He stated that the work session would be broken into three parts: John Egertson would address the application and its conformance with the County's Comprehensive Plan; Paul Howard would speak on water and sewer issues; and he would close with comments on the financial impact statement.

John Egertson stated his goal was to summarize the application that was originally submitted in October 2002, review its current status, and discuss the major issues in order that the Board would have sufficient information upon which to base a decision at its public hearing on April 6, 2004. He discussed the background and history of the application and spoke at length on the density of the project and the land use plan and design. He summarized the 30-plus page document containing the numerous proffers that had been

offered by the applicant.

Mr. Egertson stated that he was comfortable with the land use plan, but there must be a water/sewer agreement executed by April 6. He noted that VDOT's final positions had not been determined, but the application had advanced considerably toward complying with the Comprehensive Plan.

See attachment #1 for an outline of Mr. Egertson's presentation.

Paul Howard presented a general overview on the water and sewer negotiations. He provided information on the existing South Wales water and sewer system the County would be inheriting as part of the rezoning, and discussed the proposed water and sewer system for the new development. He reviewed the proposed framework of the water and sewer agreement between the applicant and the County and stressed that it must be executed by April 6, 2004. He noted that should the application be approved, the applicant would then be required to prepare a Master Water and Sewer Plan that would include the entire Clevenger's Corner area. He reviewed some of the unresolved water/sewer technical issues, such as fire flow in the existing South Wales development and the necessity for a sludge lagoon.

See attachment #2 for an outline of Mr. Howard's presentation.

Frank Bossio informed the Board that the financial impact statement had been reviewed by staff, the County's financial consultants in Richmond, as well as Concerned Culpeper Citizens, Inc. He stated that, as with any model, what assumptions were arrived at depended upon what assumptions were made going in. He noted that they had looked at several assumptions, such as the amount of revenue generated per square foot for the commercial development, the ratio of children per household, and the number to use for school age children, which ranged from .48 to .72. He reported that after discussions with the County's financial consultants, a determination was made that the financial impact could be not reached because the variables were too great and the financial impact should be considered "neutral".

A lengthy comment and question period followed the presentations.

Mr. Walker noted that the applicant had proffered 125 residential permits the first year, 165 permits in the second year, etc. and asked how this compared with the Comprehensive Plan. Mr. Egertson replied that the Comprehensive Plan suggested 100 to

150 building permits per year, but after the first couple of years, some permits would be carried over to the next year, and the number could be on the high side of what the Comprehensive Plan envisioned.

Mr. Walker asked for additional information regarding the \$62,500 the applicant had proffered toward signaling or closing the crossover at Old Bridge Road and Route 211. Mr. Egertson said either a signal or closing the crossover would be a stopgap measure since the road would ultimately have to be relocated. He added that he would discuss this further with the applicant and VDOT to determine the feasibility of using the funds for relocating the road. He felt the intent was that the money would be available from the start, but he would obtain clarification.

Mr. Walker expressed concern regarding the proffer on right-of-way for the improvements on the Route 211/229 intersection in that within six years from the date of the final rezoning, the applicant would no longer be required to construct such improvements if they had not been done prior to that. Mr. Egertson assured him that he would obtain additional information prior to the April hearing to determine the impact if the right-of-way was not acquired within the time frame.

Mr. Walker asked for clarification regarding the timing for financial contributions for schools, public safety and transportation; the maximum density of residential, commercial/retail, and office/employment; and the phasing in of the grocery store. Mr. Egertson provided him with a detailed interpretation of the referenced proffers.

Mr. Walker asked whether the development would be reviewed by the Architectural Review Board. Mr. Egertson replied that the Entrance Corridor Overlay District applied to both Route 211 and Route 229, and the County Code provided that each building could be reviewed individually or the County could accept a set of design criteria for the overall development. He anticipated that the developer would bring forward the design guidelines that were proffered with the rezoning and present them to the Architectural Review Board for consideration.

Mr. Walker noted that the 200-foot buffer along Route 211 was a very positive move and assumed that would be maintained as development proceeded. Mr. Egertson stated that substantial landscaping would be reviewed during the site plan process, and he would make a note of Mr. Walker's comment that the existing buffer should be maintained.

Mr. Coates also inquired regarding the \$62,500 proffered for the intersection of Old Bridge Road and Route 211. Mr. Egertson explained that the funds were for installing a signal or closing the crossover, but he felt the money would be better spent on relocating the road at the beginning if it was possible to work out the details. Mr. Coates asked what would happen to the funds if the road were relocated. Mr. Egertson stated he would endeavor to have the funds contributed toward the relocation of the road.

Mr. Lee inquired about the time frame for building the schools. Mr. Egertson stated that the elementary school site was to be graded and made ready within nine months of the County's request, but no later than the 491st permit, but the middle school site was going to be 50 acres of raw land for the County's use. He added there was a stipulation that the County would have 15 years from the date of the final rezoning with which to complete substantial construction of that middle school and, if not constructed by that time, the middle school site would revert to the 700-acre land preserve. He pointed out that if the County decided to take control of the land preserve, the proffer allowed the County to use it for civic purposes, including schools, and there would be no impact unless the County decided not to be the controller of the land preserve.

Mr. Nixon inquired whether the number of lots proffered to Habitat for Humanity would change since the applicant had based the number on one percent of total residential units. Mr. Egertson stated that the proffer specifically provided eight lots for Habitat, and not a percentage.

In answer to Mrs. Hansohn's question, Mr. Egertson stated that Habitat for Humanity would be subject to the same design guidelines for the rest of the neighborhood. He noted that the proffer allowed for Habitat for Humanity to sell two of the lots at full market value in order to acquire the money to build on the rest of the lots.

Mr. Nixon inquired about fire protection for the existing subdivision, as well as for the new subdivision. Mr. Howard stated that there was no fire protection at present in the South Wales Subdivision, and he was negotiating with Centex to provide adequate fire flow so that when the old and new subdivisions were connected, there would be no bottleneck to prevent fire flow to the old subdivision.

Mr. Nixon, Mrs. Hansohn and Mr. Howard discussed details regarding fire flow. Mr. Howard said he would not have specific details until a water model was developed. He

pointed out that the Health Department did not require fire flow, but the new subdivision ordinance required it for PUD's.

Mr. Egertson stated that the existing South Wales Subdivision came in as zoned property, there were no proffers associated with it. The development plan did originally call for high water storage and hydrants; the hydrants were put in place, but the water storage to feed the lines was never constructed. He said it was important that if the County took ownership of the system that the entire system was tied together so that the same service could be provided to everyone. He added that he would be meeting with all parties in the area to determine their intent on obtaining water/sewer services.

Mr. Nixon inquired regarding the effect the new system would have on rates. Mr. Howard replied that he was in the process of doing a financial analysis, but he felt there may be an impact depending upon the build-out at Clevenger's Corner. He said the County's position has been that should there be a water and sewer shortfall, Centex would make up that difference. He noted that even though there was a maximum of 225 units, he did not have a minimum number.

Mr. Nixon asked who was responsible for the operating costs for the first year. Mr. Howard replied that the intent was for the County to assume ownership of everything but the wastewater plant itself. The County would collect all the revenues from the customers and, in turn, pay Centex's licensed operators to run the plant.

Mr. Coates inquired regarding tap fees. Mr. Howard explained that the agreement was structured that Centex would build the sewer and water facilities in exchange for the water and sewer for their development of 166 residential units plus the commercial allocation. He said the oversizing required to serve off-site users had not been determined, but the County would prefer to up-front the money for any oversizing and recoup that amount from the off-site users.

Mr. Coates inquired regarding the capacity to be required. Mr. Howard replied that the first phase would be approximately 450,000 gallons, and Centex was projecting a need of 365,000 gallons, leaving about 85,000 gallons that the County could buy up-front and turn over to off-site developers. Mr. Coates asked if the numbers included South Wales. Mr. Howard stated that they included the existing South Wales. Mr. Coates asked if the new plant could be upgraded at a minimal cost in the future. Mr. Howard replied that it

could be easily expanded at reasonable costs up to 900,000 gallons a day.

Mr. Nixon asked whether the developer would be using the gray water. Mr. Howard replied that had been taken off the table because there were no regulations for waste water reuse. He said he was not opposed to Centex's use of gray water to irrigate the golf courses, but without regulations he was not comfortable having that use in the agreement.

Mr. Coates asked whether the elevation of the wastewater treatment plant was above the flood plain. Mr. Howard stated that the existing flood plan delineation was not accurate, and Centex would be undertaking a flood plain study during the next two weeks to determine the location of the 100-year flood plain.

At Mr. Walker's request, Mr. Howard explained in detail the aeration in sludge digesters. He noted that Centex preferred mechanical mixers, while the County preferred blowers to diffuse the air.

Mr. Walker asked if there were any estimates for future upgrades. Mr. Howard stated a lot would depend upon the growth of off-site users, but he would develop some cost figures for the Board's information.

Mrs. Hansohn inquired about the vendor selected for the sewage treatment plant. Mr. Howard replied there were common use systems available, but Centex had looked for a system for this site that would meet the permit limits established by DEQ, and the Vaden Company was the only one that would give Centex a process warranty that this plant would achieve the permit limits.

Mr. Nixon noted that an acre had been set aside for a library. He inquired whether library space could be leased within the village core. Mr. Egertson stated that would be a possibility.

Mrs. Hansohn asked what happened to the plans for a day care center. Mr. Egertson stated there was nothing in the proffers to prevent a day care center in the village, but there had been nothing specifically included.

Mrs. Hansohn noted there were no playgrounds in the townhouse area. Mr. Egertson agreed they had not been specified, but there were green areas throughout the townhouse area, but no specific tot lots had been carved out.

Mr. Nixon raised the issue of the possibility of a conference center being built. Mr. Egertson stated that any future proffer amendments would have to go through a full

rezoning process if the Board decided to have a conference center at a later date.

Mr. Walker inquired whether the applicant's responses had been adequate to answer the various questions in Mr. Egertson's letter of January 15th regarding the Comprehensive Plan. Mr. Egertson replied that, in general, the concepts specified in the Comprehensive Plan regarding use of alleys, two-story development, and the different things that the County was striving for in creating a village had been responded to in the latest plan. He said that at this point, he did not have any major changes to the land use plan to suggest.

Mr. Coates asked whether the water storage tank near the intersection of Routes 211 and 229 would be for Centex's use only. Mr. Howard replied the tanks would serve the Clevenger's Corner development and the existing South Wales, and possible off-site properties. He said that the Master Water and Sewer Plan would identify where the tanks would be located and how high they would have to be to serve the whole area, including off-site properties. He noted that the applicant would endeavor to locate the tanks where they would be the least obtrusive.

With no further questions, Mr. Coates thanked those who attended and informed them that the location for the April meeting would be advertised.

Mr. Bossio asked whether the Board had reached a consensus on holding its April evening meeting in a location other than the Board room.

After discussion, it was the consensus of the Board to move the meeting.

Mr. Bossio agreed that he would obtain an alternate meeting location, with sufficient space and an adequate sound system.

Mr. Coates adjourned the work session at 4:12 p.m.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
County Administrator

Approved: April 6, 2004